

ORIGINAL

FILED

12/13/2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

Case Number: AF 09-0688

IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 09-0688

FILED

DEC 13 2016

IN RE RULES OF PROFESSIONAL
CONDUCT

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

COMMENT ON PROPOSED RULE 8.4(g) AND OBJECTION TO
JUSTICE-ELECT DIRK SANDEFUR'S PARTICIPATION IN
PROCEEDINGS CONCERNING THE RULE

On October 26, 2016, this Court announced that it was considering adopting Rule 8.4(g) the American Bar Association's (ABA) Model Rules of Professional Conduct. As thoroughly explained in several comments, Rule 8.4(g) would drastically affect the practice of law by Christian attorneys who take seriously the tenets of their faith.¹ For many, enactment and enforcement of Rule 8.4(g) would force them to either surrender their deeply held religious beliefs or else surrender their law licenses. Former United States Attorney General Edwin Meese has described Rule 8.4(g) as "border[ing] on fascism."²

Particularly disturbing is the prospect of Justice-elect Dirk Sandefur's participating in deliberations regarding Rule 8.4(g). His 2016 campaign relied upon what Justice Jim Rice aptly described as "religious-based animus."³ We therefore object under Rule 2.12(A)(4) of the Montana Code of Judicial Conduct to Justice Sandefur's participating in this Court's consideration of Rule 8.4(g). The grounds for our objection are explained in detail below.

¹ See, e.g., Comment of the Christian Legal Society <https://supremecourtdocket.mt.gov/view/AF%2009-0688%20Comments-Rule/Policy%20Change%20--%20Correspondence?id={D0C8E558-0000-CC1E-B138-9EF600B85188}>; Comment of Michael San Souci, Esq., Fmr. Sen. Kris Hansen, *et al.*, <https://supremecourtdocket.mt.gov/view/AF%2009-0688%20Comments-Rule/Policy%20Change%20--%20Correspondence?id={B0CADB58-0000-C81D-A89A-0442CB1B51D3}>

² See <http://www.washingtontimes.com/news/2016/aug/17/how-the-lawyers-plan-to-stifle-speech-and-faith/>

³ See http://helenair.com/news/opinion/guest/endorsing-kristen-juras-concerned-about-tenor-of-race/article_0cf7deb5-3c72-546a-8d1d-b1e0e40ae7ef.html#comments

STATEMENT OF FACTS

In 2016, Kristen Juras and Dirk Sandefur were candidates to fill a vacant seat on the Montana Supreme Court. Juras routinely emphasized her concerns about religious liberties, such as in this statement:

Where I believe the courts now have an important role is as various issues come up from this ruling like the right of a pharmacist, a Catholic pharmacist to refuse to sell birth control to the rights of ministers not to perform marriages they believe are not biblical – how are we going to address the conflict between the right of the free exercise of religion and the right determined by the U.S. Supreme Court of marriage of same-sex spouses.⁴

She also stated that “legislators should be trying to face this conflict and establish parameters and grant exemptions based on religious beliefs.”⁵

While speaking at a campaign rally of LGBT extremists shortly after the primary election, Sandefur responded to Juras’ statements:

In the recent primary election that was held just two weeks ago, a lot of LGBT people and other progressive-thinking people voted for my opponent without knowing that she believes that same-sex couples should not be able to marry. She believes that LGBT people are sinners! She believes that *bigots and haters, in the exercise of their own beliefs, have a right to discriminate against you!* (emphasis added).⁶

Sandefur repeated these remarks at a candidate’s forum in Missoula on or about September 15, 2016.⁷

⁴ See <http://www.freedomsdiscourse.com/2016/05/17/interview-with-supreme-court-candidate-kristen-juras/>

⁵ *Id.*

⁶ A video recording of Sandefur’s remarks can be found at <https://www.youtube.com/watch?v=zIX5CC7yytY>

⁷ See http://missoulian.com/news/local/juras-sandefur-trade-jabs-on-same-sex-marriage-stream-access/article_9c58a853-21d7-5e0e-a30d-2dbab35bc563.html

In response to Sandefur's remarks, Justice Jim Rice issued the following extraordinary rebuke:

Ordinarily, I would not publicly comment on the election campaigns of those running for the Supreme Court. However, this year I have been disturbed by the attack on Juras' religious beliefs by her opponent. Religious-based animus has no place in a campaign for any public office, but especially for a judicial office. Citizens must be able to trust that the courts will make decisions based on the law, without regard to a person's beliefs. Such campaign attacks undermine confidence in the courts and demonstrate an unacceptable willingness to sacrifice the fundamental principle of impartiality for political gain.⁸

ARGUMENT

I. Rule 8.4(g) Violates the Rights of Christian Attorneys Under the First Amendment's Free Speech and Free Exercise Clauses

Because this Court is considering adopting ABA Model Rule 8.4(g) verbatim, the ABA's comments about the rule are highly pertinent. *Stock v. State*, 2014 MT 46, ¶ 14 n.1, 374 Mont. 80, 318 P.3d 1053 (“[t]he comments to the ABA standards are particularly useful where the language of the ABA standard is identical, or nearly identical, to our own rule”); *In Re Marriage of Perry*, 2013 MT 6, ¶ 21, 368 Mont. 211, 293 P.3d 170.

Rule 8.4(g) states as follows:

It is professional misconduct for a lawyer to: . . . (g) engage in conduct that the lawyer knows or reasonably should know is harassment or discriminate on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identity, marital status or socioeconomic status related to the practice of law. This paragraph does not limit the ability of a lawyer to accept, decline or withdraw from a representation in accordance with Rule 1.16. This paragraph does not preclude legitimate advice or advocacy consistent with these Rules.

Comment 3 of the ABA Model Rules defines “harassment” as, *inter alia*, “harmful

⁸ See note 3, *supra*.

verbal...conduct that manifests bias or prejudice towards others.” Comment 4 of the ABA Model Rule elaborates on the phrase “related to the practice of law”:

Conduct related to the practice of law includes representing clients; interacting with witnesses, coworkers, court personnel, lawyers and others while engaged in the practice of law; operating or managing a law firm or law practice; and participating in bar association, business or social activities in connection with the practice of law.

Read in conjunction with Comments 3 and 4, Rule 8.4(g) creates a speech code for lawyers.⁹ Virtually any criticism of any group protected by Rule 8.4(g) could be deemed a “harmful verbal” communication. And the phrase “related to the practice of law” encompasses almost any circumstance for a lawyer other than private conversations with family members in a private residence. A lawyer testifying in support of a bill such as SB 199 (a bill proposed last year which was designed to prohibit Sharia law in Montana), or denouncing a “Non-Discrimination Ordinance” at a city commission hearing because it opens women’s restrooms to biological males, or quoting Bible passages declaring homosexuality a sin while attending a CLE seminar, would likely face suspension or disbarment.

The kinds of “discrimination” subject to Rule 8.4(g) would include:

- Catholic attorneys declining to perform adoptions for same-sex couples due to Pope Francis’ opinion that children should be raised by heterosexuals;¹⁰
- Christian judges such as Justice Rice officiating normal marriages but refusing to officiate same-sex “marriages.”

Advocacy subject to Rule 8.4(g) would include preparing opinions for “discriminatory” organizations such as churches and the Boy Scouts on how best to adhere to their religious tenets.¹¹ And while Rule 8.4(g) exempts “legitimate” advice or advocacy from its scope, a Christian attorney facing trumped up charges

⁹ See <http://www.nationalreview.com/article/438906/american-bar-association-lawyers-follow-these-speech-rules-or-else>

¹⁰ See <https://www.ncronline.org/news/global/children-need-heterosexual-parents-pope-francis-says-after-gay-pride-march>

¹¹ We note that California now prohibits its judges from serving as leaders in “discriminatory” organizations such as the Boy Scouts. See http://www.courts.ca.gov/documents/sc15-Jan_23.pdf

of making “harmful verbal communications” could reasonably assume that a justice with a record of religious-based animus, like Sandefur, would narrowly interpret that exception.

Other activities that would fall within the scope of Rule 8.4(g) include:

- presenting CLE courses at conferences or through webinars
- teaching law school classes as a faculty or adjunct faculty member
- publishing law review articles, blogposts, and op-eds
- giving guest lectures at law school classes
- speaking at public events
- participating in panel discussions that touch on controversial political, religious, and social viewpoints
- serving on the boards of various religious or other charitable institutions
- serving at legal aid clinics
- serving political or social action organizations
- lobbying for or against various legal issues
- serving one’s religious congregation
- serving one’s alma mater, particularly if it is a religious institution
- serving religious ministries that assist prisoners, the underprivileged, the homeless, the abused, substance abusers, and other vulnerable populations
- serving on the boards of fraternities or sororities
- volunteering with or working for political parties
- working with social justice organizations
- any pro bono work that involves advocating for or against controversial socioeconomic, religious, social, or political issues¹²

In short, Rule 8.4(g) is an existential threat to attorneys who take faith seriously.

II. Justice-Elect Sandefur’s Campaign Rhetoric Requires His Disqualification From Proceedings Involving Proposed Rule 8.4(g)

Rule 2.12(A) of the Montana Code of Judicial Conduct requires a judge to “disqualify himself or herself in any proceeding in which the judge’s impartiality might reasonably be questioned...” This rule applies, *inter alia*, when the judge “while a judge or a judicial candidate, has made a public statement, other than in a court proceeding, judicial decision, or opinion, that commits or appears to commit the judge to reach a particular result or rule in a particular way in the proceeding or

¹² See Christian Legal Society Comment, footnote 1, *supra*.

controversy.” MCJC Rule 2.12(A)(4).

Prior to the 2016 primary election, Juras spoke in favor of respecting the religious rights of persons such as ministers and Catholic pharmacists to follow their sincerely held religious beliefs without being punished by the government. Two weeks after the primary election, Sandefur responded by telling a crowd of LGBT extremists that Juras “believes that *bigots and haters, in the exercise of their own beliefs, have a right to discriminate against you!*” (emphasis added).¹³ He repeated this hate-filled rhetoric at a candidate’s forum in Missoula on or about September 15, 2016.¹⁴

These statements clearly appear to commit Justice-elect Sandefur to approving Rule 8.4(g) and enforcing it vigorously. Christian attorneys whose faith prevents them from officiating same-sex “marriages” or aiding adoptions by unmarried couples are exactly the kind of “bigots and haters” Sandefur denounced during his campaign. Moreover, he made his remarks during campaign rallies and candidate forums rather than in a court proceeding, judicial decision, or opinion. MCJC Rule 2.12(A)(4) thus requires Sandefur’s disqualification from proceedings involving the adoption of Rule 8.4(g).¹⁵

CONCLUSION

For all of the foregoing reasons, the undersigned attorneys request the Court reject the adoption of Rule 8.4(g). Furthermore, the undersigned attorneys object to Justice-elect Dirk Sandefur participating in any proceedings involving the adoption of Rule 8.4(g).

DATED: December 12, 2016

/s/ Matthew Monforton
Representative Matthew Monforton
House Judiciary Committee¹⁶

/s/ Nels Swandal
Senator Nels Swandal
Senate Judiciary Committee

¹³ See footnote 6, *supra*.

¹⁴ See footnote 7, *supra*.

¹⁵ Should this Court adopt Rule 8.4(g), Justice-elect Sandefur should anticipate being challenged for cause in any subsequent proceedings by this Court to enforce the rule.

¹⁶ Term expires January 1, 2017.

ORIGINAL

Anderson, Diane

From: Montana Family Foundation <communications@montanafamily.org> on behalf of Ashley Landsgaard <communications@montanafamily.org>
Sent: Friday, December 9, 2016 3:23 PM
To: Court, SCclerk
Subject: Opposed to proposed rule change 8.4 (g)

Dec 9, 2016

Honorable Ed Smith
P.O. Box 203003
Helena, MT 59620-3003

Dear Justices Honorable Smith,

I am writing today to express my opposition to the proposed rule change 8.4(g).

This rule is a violation of the free exercise of religion. This rule is a violation of the freedom of speech and of the press. Even if one does not agree with a belief, lawyers ought not to be disbarred for holding it.

I hope you'll reject this rule change.

Sincerely,

Mrs. Ashley Landsgaard
36 Woodman Dr
Belgrade, MT 59714-7226
alandsgaard@gmail.com

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DEC 13 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

Anderson, Diane

From: Montana Family Foundation <communications@montanafamily.org> on behalf of Delia Lybeck <communications@montanafamily.org>
Sent: Friday, December 9, 2016 2:23 PM
To: Court, SCclerk
Subject: Rule 8.4

Dec 9, 2016

Honorable Ed Smith
P.O. Box 203003
Helena, MT 59620-3003

Dear Justices Honorable Smith,

I am writing today to express my opposition to the proposed rule change 8.4(g).

As a concerned citizen of our great country I'm writing to you today very concerned about our rights of freedom of speech and press.

You are the ones who preserve that right for all of us in this land.

Even if you don't agree with a belief, does that mean we cannot express that belief? Isn't speaking what I believe, freedom of speech?

This rule is a beginning of censorship, first of lawyers and then of the people. Please vote against the proposed rule change 8.4

I hope you'll reject this rule change.

Sincerely,

Ms. Delia Lybeck
865 N Joplin Rd
Joplin, MT 59531-7710
(406) 292-3573
c_lybeck@yahoo.com

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DEC 13 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

Anderson, Diane

From: Montana Family Foundation <communications@montanafamily.org> on behalf of Grace Lukkes <communications@montanafamily.org>
Sent: Friday, December 9, 2016 1:48 PM
To: Court, SCclerk
Subject: Christian Rights

Dec 9, 2016

Honorable Ed Smith
P.O. Box 203003
Helena, MT 59620-3003

Dear Justices Honorable Smith,

I am writing today to express my opposition to the proposed rule change 8.4(g).

If this type of "Laws and Rules" continue America will be losing all our basic rights the Constitution gave us. Dictating how Christians must live their lives leads to Sharia style of living!

Grace Lukkes
145 Rapelje Rd
Columbus MT 59019
glukkes@gmail.com

I hope you'll reject this rule change.

Sincerely,

Mrs. Grace Lukkes
145 Rapelje Rd
Columbus, MT 59019-7166
(406) 321-0168
glukkes@gmail.com

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DEC 13 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

Anderson, Diane

From: Montana Family Foundation <communications@montanafamily.org> on behalf of Thomas McKenna <communications@montanafamily.org>
Sent: Friday, December 9, 2016 1:48 PM
To: Court, SCclerk
Subject: The Inversions of the Proposed Rule 8.4(g)

Dec 9, 2016

Honorable Ed Smith
P.O. Box 203003
Helena, MT 59620-3003

Dear Justices Honorable Smith,

I am writing today to express my opposition to the proposed rule change 8.4(g).

Thank you for allowing me to submit my comments related to the proposed revision of Rule 8.4(g), please note the following four aspects when considering the ramifications of this Rule;

First; Rule 8.4(g) participates in the "Inversion of the Notion of History." This historical inversion centers on the rhetoric of "Moderns" who declare that Christian ideals are old fashioned, obstruct progress, and need to be revised. One only has to note the historical fact that for nearly 10,000 years of human history before the fall of Rome, civilizations were nearly devoid of the following Christian notions; that all people were created equal; that women and children were not to be exploited; that people were not property; that a "God of Love" exists; that one should love their neighbor; that human dignity and the Culture of Life should be promoted; and finally that rulers should be the servants of the people and promote "Religious Freedom."

Thus, it is crystal clear that the above new Christian ideals revolutionized the world for the good; and it is the Modern's current world-view that is ancient and worn out. Are we to use our talents to discern the enduring meaning of these seven historical revolutions or to just make up their meaning to change the nature of Man and digress into the barbaric darkness of Pre-Christian Rome? It was not until the revolution of 1776, that for the very first time in human history, all of these Christian ideals came together into the formation of America!

Second; Rule 8.4(g) participates in the "Inversion of the Notion of Justice." Even though our justice system has remained very logical in a strictly procedural sense; it has been severely distorted from one that was grounded in "the nature of things" to one that is tied only to the relativistic "will" of man himself.

In addition, our language has been twisted and used to change things into what we want them to be, instead of used to accurately represent things as they really are. As a result of this inversion, the threads of Justice, once defined as "giving to things what is their due according to what they are" have begun to unravel. Thus, what was once built on a foundation of "objective absolutes" has now been rebuilt on the shifting sands of the "arbitrary", which is the very definition of tyranny. This result is a direct threat to our Nation's liberty because true Justice has become extremely difficult and perilous to render. In addition, very important decisions have become as unfounded as believing one can change an apple into an orange, as in the opinions of the 1992 case of "Planned Parenthood vs. Casey" where it was stated that "at the heart of liberty is the right to define one's own concept of existence, of meaning, of the universe, and of the mystery of human life." With relation to the rights of the "Human Person", this statement is a basket of rotten fruit set before the glorious revelations of Western Civilization. Are we to use our talents to discern the true meaning of the universe or to just make up its meaning to change the nature of Man and digress into the barbaric darkness of the Bolshevik Revolution?

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Third; Rule 8.4(g) participates in the "Inversion of the Notion of Liberty." As a statement of historical fact our "Founding Fathers" devised our nation on the assumed idea that America would be handed over and nurtured by a moral citizenry that valued the principle of a virtuous "Ordered Liberty." They knew that it was the foundation-stone for maintaining our liberty; and it was one of the reasons why the "American Revolution" succeeded and the "French Revolution" of Rousseau failed. Thus, Rousseau's disordered liberty, and that espoused by Rule 8.4(g), are absolutely the inversion of America's "Ordered Liberty" and a direct threat to the foundations of America. Are we to use our talents to discern the true meaning of liberty or to just make up its meaning to change the nature of Man and digress into the barbaric darkness of the French Revolution?

Fourth; Rule 8.4(g) participates in the "Inversion of the "Constitution of the United States, The Bill of Rights, and the First Amendment." Specifically, this rule takes part in the above mentioned two inversions to violate and invert the original meaning of the inalienable rights of all Americans by acting as a "Battle Ax for Conformity" intended to shut down and censure all opposition to the arbitrary social mandates imposed by government. This is done by promoting the right to many "vices", and the elimination of all laws and institutions, including the First Amendment, that are arbitrarily alleged to be an obstruction to the unbridled autonomy of all human social activity; resulting in the total breakdown and destruction of our American government, institutions, and society.

Rules like 8.4(g) will eventually lead to laws that; establish government religions; prohibit the free exercise of religion; abridge the freedom of speech and the press; prohibit peaceful assembly; and eliminate the right to petition the government for redress of a grievance. Are we to use our talents to discern the enduring meaning of the "Constitution" or to just make up its meaning to change the nature of Man and digress into total barbaric darkness and eventual collapse?

America was founded in an effort to protect the property, independence, and dignity of the "Common Man." It is unfortunate that the American Bar Association appears to no longer support this concept, and would rather concentrate on the Progressive Agenda's efforts for social engineering and cultural shift. Please modify Rule 8.4(g) accordingly so that all U.S. citizens and the foundations of America are protected.

I hope you'll reject this rule change.

Sincerely,

Mr. Thomas McKenna
19 Saddle Ridge Rd
Gardiner, MT 59030-9336
mckinmt@gmail.com

ORIGINAL

Anderson, Diane

From: Montana Family Foundation <communications@montanafamily.org> on behalf of
Dennis Lenz <communications@montanafamily.org>
Sent: Friday, December 9, 2016 1:18 PM
To: Court, SCclerk
Subject: Proposed rule change comment

Dec 9, 2016

Honorable Ed Smith
P.O. Box 203003
Helena, MT 59620-3003

Dear Justices Honorable Smith,

I am writing today to express my opposition to the proposed rule change 8.4(g).

This proposal is limiting to free speech and opposing viewpoints. Is this not what our country has always encouraged, is a free and open debate on the issues? This proposed rule change is chilling as it comes with the threat of punishment for those who do not conform and will discriminate against those who believe in the free exercise of religion and freedom of speech.

I hope you'll reject this rule change.

Sincerely,

Mr. Dennis Lenz
PO Box 20752
Billings, MT 59104-0752
lenz4legislature@outlook.com

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DEC 13 2016
Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

Anderson, Diane

From: Montana Family Foundation <communications@montanafamily.org> on behalf of
Phyllis Lucht <communications@montanafamily.org>
Sent: Friday, December 9, 2016 12:53 PM
To: Court, SCclerk
Subject: Reject Rule 8.4(g)

Dec 9, 2016

Honorable Ed Smith
P.O. Box 203003
Helena, MT 59620-3003

Dear Justices Honorable Smith,

I am writing today to express my opposition to the proposed rule change 8.4(g).

Thank you for the service that you are performing for our state.

I respectfully disagree with and ask that this rule be struck down.

There is a small minority that is behind the gender issue and they are trying to rule this state and country. Most of the people of this good state and the country do not hold to the beliefs that are coming out of the gender issue, but because of trying to allow those that do believe that way some space and honor, and the gender issue folks are running away with it.

Regardless of belief on this issue, this rule is a violation of the freedom of speech. Where is it going to stop? The press next? This is a violation against the free exercise of religion. Also, lawyers should not be barred over something that could easily be a habit of speech rather than an attempt to dishonor. It's quite ridiculous that those who are pushing this agenda are doing to the folks that believe differently the very thing they are accusing those with Judea-Christian beliefs of doing. Too wrongs don't make a right!

I hope you'll reject this rule change.

Sincerely,

Phyllis Lucht
2351 Coot Court
Kalispell, MT 59901
pssaz2mt@gmail.colm

I hope you'll reject this rule change.

Sincerely,

Ms. Phyllis Lucht
2351 Coot Ct
Kalispell, MT 59901-8967
(406) 755-3290

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DEC 13 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

Anderson, Diane

From: Montana Family Foundation <communications@montanafamily.org> on behalf of Christy Fossen <communications@montanafamily.org>
Sent: Friday, December 9, 2016 1:18 PM
To: Court, SCclerk
Subject: Against the change to the Speech Code for Lawyers: rule 8.4

Dec 9, 2016

Honorable Ed Smith
P.O. Box 203003
Helena, MT 59620-3003

Dear Justices Honorable Smith,

I am writing today to express my opposition to the proposed rule change 8.4(g).

Honorable Ed Smith,
I am writing to express my opposition to the new rule for lawyers that you are considering changing. I feel that it will be a violation of their free speech, against their right to exercise freedom of religion, and even if you don't agree with their belief, the lawyers ought not to be disbarred for their beliefs. I thought that the first amendment gave us the right to free speech. Please reconsider making a change to the constitution. I hope you will reject this rule change.

Sincerely,
Christy Fossen
227 Inverness Rd N
Inverness, Montana 59530
lcfoffen@itstriangle.com

I hope you'll reject this rule change.

Sincerely,

Mrs. Christy Fossen
PO Box 853
227 Inverness Rd N
Inverness, MT 59530-0853
(406) 292-3320
lcfoffen@itstriangle.com

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DEC 13 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

Anderson, Diane

From: Montana Family Foundation <communications@montanafamily.org> on behalf of
Richard Vander Ark <communications@montanafamily.org>
Sent: Friday, December 9, 2016 11:48 AM
To: Court, SCclerk
Subject: Model Rule 8.4(g),

Dec 9, 2016

Honorable Ed Smith
P.O. Box 203003
Helena, MT 59620-3003

Dear Justices Honorable Smith,

I am writing today to express my opposition to the proposed rule change 8.4(g).

We need to be able to debate and express opinions and views in order to have a free functioning society. This rule will limit conduct to that which a minority will deem acceptable and will cause a huge burden on the legal system with meaningless lawsuits. The end result will be a legal system that most people will find as severely broken.

Thank you for your time and consideration.

..

I hope you'll reject this rule change.

Sincerely,

Mr. Richard Vander Ark
1525 Mackinaw Loop
Somers, MT 59932-9794
ric.vanderark@gmail.com

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DEC 13 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

Anderson, Diane

From: Montana Family Foundation <communications@montanafamily.org> on behalf of Debra Renner <communications@montanafamily.org>
Sent: Friday, December 9, 2016 11:48 AM
To: Court, SCclerk
Subject: Very concerned with freedom to practice law as a Christian lawyer

Dec 9, 2016

Honorable Ed Smith
P.O. Box 203003
Helena, MT 59620-3003

Dear Justices Honorable Smith,

I am writing today to express my opposition to the proposed rule change 8.4(g).

I am very concerned about the direction our great state of Montana (as well as our country) is taking.....I believe in the freedoms that our forefathers died for. Are we going to become a police state where no one (eventually) can say anything that is not politically correct and offends ANYONE ! ? This is both unconstitutional and ludicrous ! It is also in direct violation of freedom of religion, freedom of speech and of the press !! We should always be able to hold whatever beliefs we want without fear of losing our jobs or homes.....as long as our freedoms do not harm or eliminate another's freedoms. That has always been the American way. Do we want our way of life and our freedoms destroyed because of any one segment of society who wants to change our nation ? I believe that this proposed rule is a dangerous precedent that would/could cause grave consequences to our state and our way of life.....

I hope you'll reject this rule change.

Sincerely,

Mrs. Debra Renner
1704 Nelson Rd
Bozeman, MT 59718-8737
(406) 539-8553
cliffkopy@aol.com

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Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

Anderson, Diane

From: Montana Family Foundation <communications@montanafamily.org> on behalf of Mary Anne Reid <communications@montanafamily.org>
Sent: Friday, December 9, 2016 10:53 AM
To: Court, SCclerk
Subject: Professional Rules of Conduct Rule 8.4(g)

Dec 9, 2016

Honorable Ed Smith
P.O. Box 203003
Helena, MT 59620-3003

Dear Justices Honorable Smith,

I am writing today to express my opposition to the proposed rule change 8.4(g).

You have called for public comment of the proposed new Rule 8.4 (g) of the Professional Rules of Conduct for Montana Attorneys.

As a concerned citizen, I hereby submit my request that you reject this rule for the following reasons: Religious freedom, Freedom of Speech and Government Overreach!

Sincerely, Mary Anne Reid

I hope you'll reject this rule change.

Sincerely,

Mrs. Mary Anne Reid
1106 W Park St
207
Livingston, MT 59047-2955
mareid7211@gmail.com

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Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

Anderson, Diane

From: Montana Family Foundation <communications@montanafamily.org> on behalf of Laura O'Neil <communications@montanafamily.org>
Sent: Friday, December 9, 2016 8:48 AM
To: Court, SCclerk
Subject: Oppose rule change 8.4(g) Speech code for Lawyers

Dec 9, 2016

Honorable Ed Smith
P.O. Box 203003
Helena, MT 59620-3003

Dear Justices Honorable Smith,

I am writing today to express my opposition to the proposed rule change 8.4(g).

Please stand firm for the religious freedom our country was founded on, which is clearly stated in the Constitution.

Thank you.

I hope you'll reject this rule change.

Sincerely,

Mrs. Laura O'Neil
2867 Foothill Rd
Kalispell, MT 59901-8374
lauralee22@centurylink.net

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DEC 13 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

Anderson, Diane

From: Montana Family Foundation <communications@montanafamily.org> on behalf of Louise Turner <communications@montanafamily.org>
Sent: Friday, December 9, 2016 7:22 AM
To: Court, SCclerk
Subject: Reject Rule Change 8.4(g)

Dec 9, 2016

Honorable Ed Smith
P.O. Box 203003
Helena, MT 59620-3003

Dear Justices Honorable Smith,

I am writing today to express my opposition to the proposed rule change 8.4(g).

There is no question that this proposed change is a violation of both a lawyer's free exercise of religion and freedom of speech. We live in a society which enjoys those freedoms, and we must be able to disagree on issues without giving up those freedoms.

The present path we seem to be on, of silencing and destroying those with whom we disagree, is chilling and unacceptable in a free society.

No one should lose their career or livelihood over such differences.
Such is the very definition of tyranny.

Please reject the proposed rule change 8.4(g).

I hope you'll reject this rule change.

Sincerely,

Mrs. Louise Turner
814 S Willson Ave
Bozeman, MT 59715-5243
momturner50@gmail.com

FILED

DEC 13 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

Anderson, Diane

From: Montana Family Foundation <communications@montanafamily.org> on behalf of Laura Fricke <communications@montanafamily.org>
Sent: Friday, December 9, 2016 8:17 AM
To: Court, SCclerk
Subject: The proposed rule change "8.4(g)."

Dec 9, 2016

Honorable Ed Smith
P.O. Box 203003
Helena, MT 59620-3003

Dear Justices Honorable Smith,

I am writing today to express my opposition to the proposed rule change 8.4(g).

Dear Justices of Montana Supreme Court,

I, Laura Fricke, am writing today in regards to the proposed rule change 8.4(g).

I am in opposition to this proposed rule change for several reasons.

This new rule takes away freedoms for everyone in the legal profession who is a person of faith.

1. It takes away the freedom to exercise freedom of religion.
2. It takes away freedom of speech.
3. It takes away freedom of press.

And even if you don't agree with a belief, lawyers ought not to be disbarred for holding their own belief.

Please don't allow this to become law in Montana.

Sincerely yours,

Laura Fricke
229 Wagner Lane
Florence, MT 59833
frickelw@aol.com

I hope you'll reject this rule change.

Sincerely,

Mrs. Laura Fricke
229 Wagner Ln
Florence, MT 59833-6519
(406) 239-2738
frickelw@aol.com

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DEC 13 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

Anderson, Diane

From: Montana Family Foundation <communications@montanafamily.org> on behalf of
jacqueline Whitehorn <communications@montanafamily.org>
Sent: Friday, December 9, 2016 12:22 AM
To: Court, SCclerk
Subject: Christian's rights to practice law

Dec 9, 2016

Honorable Ed Smith
P.O. Box 203003
Helena, MT 59620-3003

Dear Justices Honorable Smith,

I am writing today to express my opposition to the proposed rule change 8.4(g).

This rule is a violation of the freedom of speech.
Even if person doesn't agree with a belief, Lawyers should not be disbarred for holding it.

I hope you will reject this rule change.

Sincerely,

Jacqueline Whitehorn.
325 Echo Chalet Dr
Bigfork, MT 59911

newlife522002@yahoo.com

I hope you'll reject this rule change.

Sincerely,

Ms. jacqueline Whitehorn
325 Echo chaet dr
Bigfork, MT 59911
(406) 837-1499
newlife522002@yahoo.com

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DEC 13 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

Anderson, Diane

From: Montana Family Foundation <communications@montanafamily.org> on behalf of Maria Low <communications@montanafamily.org>
Sent: Thursday, December 8, 2016 10:52 PM
To: Court, SCclerk
Subject: Maria

Dec 8, 2016

Honorable Ed Smith
P.O. Box 203003
Helena, MT 59620-3003

Dear Justices Honorable Smith,

I am writing today to express my opposition to the proposed rule change 8.4(g).

MARRIAGE is between a man and a woman.

A union between two men, two women is not marriage, This is considered a different kind of union. The two meanings have to be defined seperately.

A holy union can only be between a man and a women which usuallys involves procreation. This relationship is also meant to support one another develop the ascending energy of the Christ in their being. Each person must pass the tests of life in their gender. Marriage is a path for male, female and the children that are issued through the marriage.

The male becomes stronger with the female energy and the female is able to develop her devine plan with the support of the man.

Maria Low
P.O. Box 11734
Bozeman, Montana 59719
marialow2000@yahoo.com

I hope you'll reject this rule change.

Sincerely,

Ms. Maria Low
PO Box 11734
Bozeman, MT 59719-1734
(406) 551-6684
marialow2000@yahoo.com

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DEC 13 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

Anderson, Diane

From: Montana Family Foundation <communications@montanafamily.org> on behalf of
Melanie Schwartz <communications@montanafamily.org>
Sent: Thursday, December 8, 2016 11:52 PM
To: Court, SCclerk
Subject: Unjustice change proposal

Dec 9, 2016

Honorable Ed Smith
P.O. Box 203003
Helena, MT 59620-3003

Dear Justices Honorable Smith,

I am writing today to express my opposition to the proposed rule change 8.4(g).

It appears that you are considering removing the constitutional rights given to all Americans from that of Judges. The LGBT community has been pushing to lower moral standards in America, to force people to agree their choice of life style is not only acceptable but to be given special protection which trumps the constitutional rights we were all given. This must not be! I have friends in that community, yet to give them more privileges to speak than others, to remove honest and trustworthy judges just because they speak within their rights as U.S.

Citizens is wrong! I'm shocked that you are even considering such a notion! Discrimination is being toted as a demeaning word toward those who are against giving the LGBT special protections, yet I claim everyone is discriminatory, and for good reason. Would you hire a known pedophile to watch your young kids? No! When people choose to live in a way that is harmful or immoral, do we give them extra rights?

Absolutely not! Judges should be allowed the same rights as all. Just because they disagree with someone's choices does NOT disqualify them in being a good judge. I do not hate the LGBT, but I do not agree with their lifestyle either, nor they with mine. We have each chosen our way. It's our right!

I trust you'll wisely reject this unjust rule change!

Melanie Schwartz
2701 Terry Ave, Billings 59102
3richmehr@gmail.com

I hope you'll reject this rule change.

Sincerely,

Mrs. Melanie Schwartz
2701 Terry Ave
Billings, MT 59102-4532
(406) 259-8346
3richmehr@gmail.com

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DEC 13 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

ORIGINAL

Anderson, Diane

From: Montana Family Foundation <communications@montanafamily.org> on behalf of
Cheyenne Jones <communications@montanafamily.org>
Sent: Thursday, December 8, 2016 10:52 PM
To: Court, SCclerk
Subject: Proposed Rule Change

Dec 8, 2016

Honorable Ed Smith
P.O. Box 203003
Helena, MT 59620-3003

Dear Justices Honorable Smith,

I am writing today to express my opposition to the proposed rule change 8.4(g).

Honorable Ed Smith,

I am writing today to express my opposition to the proposed rule change 8.4(g).

Remember when the First Amendment was passed by the founding fathers of this country in order to protect and give the citizens of the United States freedom. The United States is the "land of the free", but if only some of the people are free, is it truly the land of the free? Is this law not putting further unnecessary restrictions on the freedoms of some of the people and not all? If I cannot say, "Marriage is between one man and one woman.", why can someone else say "love is love" or "marriage is between anyone"? Putting this law in place is the government discriminating, not against "colored" people anymore, but against a religion. In the United States we have the supposed freedom to exercise religion, but telling Christian lawyers they cannot say publicly their beliefs is telling them to put their freedom away.

I hope you'll reject this rule change.

Sincerely,
Cheyenne Jones
3477 Trails End Road
Missoula, MT 59803
cheydj@outlook.com

I hope you'll reject this rule change.

Sincerely,

Miss Cheyenne Jones
3477 Trails End Rd
Missoula, MT 59803-9671
cheydj@outlook.com

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DEC 13 2016

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA